

Location: Rockport Town Hall, Meeting Room A

Present: Larry Neal/Chairman, Rob Claypool, MaryAnn Lash, David McKinnon, Andrea Nichols/ Secretary, Geralyn Falco/Conservation Agent. The Rockport Conservation Commission (RCC) is a five member volunteer board. Four voting members are present.

Absent: Alan MacMillan, Mel Michaels/Associate Member

Citizen Inquiries:

Ted Tarr, 154 Main Street – tells RCC of Kieran Preserve’s poor condition; asks RCC to maintain Kieran Preserve and Delamater Sanctuary.

David Valchuis, 36.5 Eden Road – comes to show plans of his 36.5 Eden Road property; says he talked at last meeting and was told 1) stop construction on deck, 2) close propane trench, 3) return with NOI; hopes to not need NOI; needs to dig only 3 sonotubes to extend deck; has removed basketball court, installed straw wattles & planted seed. RCC suggests filing RDA.

Jim Doyle, for Babson Museum (291 Main Street) – asks to replace electrical service from pole at street to museum building within 100’ of stream and BVW; will place straw wattle between work and stream; work will take one day. Chairman Neal moves to replace underground electrical service as proposed; Mrs. Lash seconds. Vote 4:0.

Minutes.

07/01/15: Chairman Neal moves to approve minutes as amended; Mr. McKinnon seconds. Vote 4:0.

New Hearings

RDA 15-09, Estate of Nancy K. Mello, 3 Old Penzance Road (Map 32/Lot 5A). Upgrade a failed septic system within 100’ of BVW. Isaac Rowe (Mill River Consulting) is present for applicant and makes presentation; work includes putting in raised septic system >50’ to wetlands (across Penzance Road); shows plan with property and resource area; property has lots of shallow bedrock; new design will pretreat before discharging to leaching field (with stone wall around it); BOH has not yet approved, but Health Agent has reviewed design. RCC concerns are: maintenance of system; house is on town land. Mr. McKinnon moves to close hearing; Chairman Neal seconds. Vote 4:0. **Hearing is closed.** Mr. Claypool moves to issue negative determination category 3 with conditions; Mrs. Lash seconds. Vote 4:0. **The digital voice recording of this hearing will be retained until all appeal periods have passed and all appeals resolved.**

Review Orders of Conditions:

NOI 62-0712, Joseph Mueller, 52 Marmion Way (Map 30/Lot 37). Mr. McKinnon moves to issue OC as written; Mr. Claypool seconds. Vote 4:0.

NOI 62-0713, Cape Ann Trail Stewards, Briar Swamp (Map 6/Lot 1). Mr. McKinnon moves to issue OC as amended; Chairman Neal seconds. Vote 4:0.

NOI 62-0710, DPW, Penzance Road (Maps 28 & 32). Concern is voiced about voting with RCC missing one member. Chairman Neal reads July 8, 2015 letter from DPW extending 21-day decision requirement and asking for re-vote on permit by July 16, 2015. Agent Falco had

contacted Town Counsel (TC) regarding tie vote; TC suggested DPW extend 21-day requirement and request that RCC re-vote on permit; TC said a tied vote is denial (since approval needs majority vote); TC recommended RCC not make no-decision. RCC must have Wetland Protection Act (WPA) related reasons for denial. Mr. Olson (DPW) says that nothing in project is against WPA; if permit denied, DPW will appeal to DEP. Mrs. Lash reads prepared statement. Chairman Neal moves to accept DPW's July 8, 2015 letter; Mr. McKinnon seconds. Vote 2:2. (Letter is not accepted). Mr. Olson asks what grounds RCC has for denial. RCC says there are no grounds under WPA or Bylaw for denial.

Other Business

- Update Wetlands Bylaw – RCC continues discussion. Chairman Neal moves to send changes to Town Administrator for by-law amendment at Fall Town Meeting; Mr. McKinnon seconds. Vote 4:0.
- Millbrook Meadow site visit with Coastal Zone Management (CZM), Millbrook Meadow Committee (MMC), DPW, RCC, Community Preservation Committee, and MMC consultant - Chairman Neal summarizes site visit: CZM explains MEPA process and makes comments on all parts of restoration plan; does not like wall along brook, likes opening and meandering brook, sees thicket (BVW) difficult to move/change, says Frog Pond should keep wetland vegetation (but look up historical data), sees boardwalk at Mill Pond restoration favorably. MMC needs to establish how much of pond to dredge (consultant wants only to deepen it); many hard decisions need to be made; and lots of numbers need to be crunched before submitting application to MEPA.
- Performance Review of Agent Falco-RCC reviews Agent Falco's performance; makes recommendations for 2016 goals; Chairman Neal will write up review.

Mr. McKinnon moves to adjourn meeting; Mr. Claypool seconds. Vote 4:0.

9:27 PM

RCC ► Meeting adjourns 9:27 PM ◄ RCC